

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

SUSAN A. FIGG,

Plaintiff,

v.

BRUCE LEE SCHAFER, Director  
of claims, Oregon State Bar's  
Professional Liability Fund; WELLS  
FARGO BANK, NORTHWEST,  
NATIONAL ASSOCIATION, INC.;  
JEFFREY S. FRASIER; BRIAN  
CHENOWETH; GLEN SHEARER;  
JOSEPH D. MCDONALD; SAM  
FRIEDENBERG; and LLOYD R.  
SUMMERS,

Defendants.

No. 3:16-CV-2020-HZ

OPINION & ORDER

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Pro Se Plaintiff

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Attorney for Attorney Defendants

HERNÁNDEZ, District Judge:

Before the Court is Plaintiff's Motion and Order Setting Aside Order of Dismissal and Reinstating the Case [32]. The Court previously dismissed Plaintiff's case with prejudice. *See* Op. & Order, Mar. 27, 2017, ECF 27. Plaintiff's Amended Complaint was dismissed because it "did not comport with this Court's Order, fail[ed] to cure the defects identified in her original Complaint, and [was] untimely filed[.]" *Id.* at 1. Specifically, Plaintiff untimely submitted a seventy-nine page Amended Complaint that did not contain any claim for relief. *Id.* at 4–5. The Court dismissed the case with prejudice under Rule 41(b) after determining that the five traditional factors associated with that rule favored such a result. Plaintiff did not respond to Defendants' motions to dismiss, nor did she file an appeal of the Court's order granting Defendants' motions. Now, Plaintiff seeks to set aside the Court's judgment against her and file

a second amended complaint. *See* Pl.’s Mot., ECF 32. Because Plaintiff has not demonstrated that she is entitled to relief from the Court’s prior judgment, the motion is denied.


Plaintiff explains that she did not file her Amended Complaint on time “due to a weather delay on Friday, February 3, 2017.” *Id.* at 1. She further explains that the reason she “now wants to go forward is that [she] now ha[s] a clearer and more concise understanding of what the Court is asking [her] to do and [she has] cured the defects identified in [her] original Complaint.” *Id.* at 2. Plaintiff does not invoke any legal basis for her motion and the Court construes it as a motion for relief from an order or judgment under Rule 60(b). That ruled provides, in relevant part: “On motion and just terms, the court may relieve a party . . . from a final judgment, order, or proceeding for . . . mistake, inadvertence, surprise, or excusable neglect[.]” Fed. R. Civ. P. 60(b)(1).

Plaintiff’s claim of inclement weather does not address the Court’s primary reasons for dismissing her Amended Complaint nor does it explain why she is entitled to relief from the judgment. Accordingly, Plaintiff has not demonstrated that any “mistake, inadvertence, surprise, or excusable neglect” justifies granting her relief from the Court’s judgment. *See* Fed. R. Civ. P. 60(b)(1). Therefore, Plaintiff’s Motion is denied.

#### CONCLUSION

Plaintiff’s Motion and Order Setting Aside Order of Dismissal and Reinstating the Case [32] is DENIED.

Dated this 13 day of September, 2017.

  
MARCO A. HERNÁNDEZ  
United States District Judge